



Application No.: 10/671,610

Attorney Docket No. 1349.1213

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Sung-wook KANG

Application No.: 10/671,610

Group Art Unit: 2853

Confirmation No.: 8528

Filed: September 29, 2003

Examiner: Unassigned

For: COMBINED FLAT BED SCANNER/PRINTER MACHINE

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action mailed July 21, 2005, applicant(s) elect(s) Figs. 5 and 6 with claim 11 of Group Species 1, without traverse.

This is responsive to the Office Action mailed July 21, 2005, having a shortened period for response set to expire on August 21, 2005. A petition and fee for a One-month Extension of Time are enclosed, thereby extending the response period to **September 21, 2005**. The following remarks are provided.

I. Provisional Election of Claims Pursuant to 37 CFR §1.142

Applicants respectfully submit that claims 1-10, 12-14, and 32-37 are generic, claim 11 is directed to Species 1, claims 15-17 are directed to Species 2, and claims 18-31 are directed to Species 3.

Applicants provisionally elect **Species 1** (claims 1-11, 12-14, and 32-37) in response to the preliminary restriction requirement set forth in the Office Action.

II. Applicants Traverse the Requirement

Insofar as Species 2 and 3 are concerned, it is believed that claims 15-17, and 18-31 are so closely related to elected claims 1-11, 12-14, and 32-37 that they should remain in the same application, particularly due to their ultimate dependence from generic independent claim 1. It is believed that the Examiner would find references related to all of the Examiner's defined

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Species in the same field of technology. It is believed, moreover, that evaluation of all three sets of claims would not provide an undue burden upon the Examiner at this time in comparison with the additional expense and delay to Applicants in having to protect the additional subject matter recited by the Species 2 and 3 claims by filing divisional applications.

MPEP §803 sets forth the criteria for restriction between patentably distinct inventions. (A) indicates that the inventions must be independent (see MPEP §802.01, §806.04, §808.01) or distinct as claimed (see MPEP §806.05-806.05(i)); and (B) indicates that there must be a serious burden on the Examiner if restriction is required (see MPEP §803.02, §806.04(a)- §806.04(i), §808.01(a) and §808.02). The Examiner has not set forth why there would be a serious burden if restriction is required.

Even if the Examiner considers claims 1-11, 12-14, and 32-37 to be a separate invention from claims 15-17, and 18-31, the Applicants respectfully request the Examiner to consider claims 1-37 together.

III. Conclusion

Upon review of references involved in this field of technology, when all of the other various facts are taken into consideration, it is believed that upon reconsideration of the Examiner's initial restriction requirement, all of the pending claims should be examined in the subject application.

In view of the foregoing amendments, arguments and remarks, all claims are deemed to be allowable and this application is believed to be in condition for allowance.

If any further fees are required in connection with the filing of this Amendment, please charge the same to our deposit account number 19-3935.

Should any questions remain unresolved, the Examiner is requested to telephone Applicants' attorney.

Respectfully submitted,

STAAS & HALSEY LLP

Date: September 21, 2005

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